

1 John L. Smaha, Esq., (Bar No. 95855)
2 Gustavo E. Bravo, Esq. (Bar No. 218752)
3 SMAHA LAW GROUP
4 2398 San Diego Avenue
5 San Diego, CA 92110
6 (619) 688-1557
7 (619) 688-1558 (Facsimile)

8 Former Attorneys for Debtor, Dana Aaron Linett

9 **UNITED STATES BANKRUPTCY COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 In re

Case No. 19-05831-LA11

12 DANA AARON LINETT

Chapter 11

13 STIPULATION REGARDING SMAHA
14 LAW GROUP FINAL FEE APPLICATION

15 Debtor.

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17 This Stipulation Regarding the Smaha Law Group's Final Fee Application (the
18 "Stipulation") is entered into between the Smaha Law Group, APC ("SLG"), on the one hand
19 and Tiffany L. Carroll, the Acting United States Trustee ("UST") on the other (collectively, they
20 are referred to as the "Parties").

21 **RECITALS**

22 A. On or about January 11, 2022, SLG filed its final fee application ("Final Fee
23 Application") in the above titled Bankruptcy Court seeking approval of its final attorneys' fees
24 for the period of April 1, 2020, to December 31, 2021, in the amount of \$456,630 in fees and
25 \$2,137.81 in costs.

26 B. In addition, the Final Fee Application indicates that SLG had previously filed a
27 first interim fee application for \$141,187 in fees and \$1,867.99 in costs. The Court previously
28 awarded \$98,830.90 in fees and \$1,867.99 in costs to SLG. SLG received \$69,524.75 in allowed

1 fees and costs in payment from the retainer previously received by SLG. The Final Fee
2 Application requests final approval of previous interim awards (\$98,830.91 in fees and \$1,867.99
3 in costs), requests approval for payment of previously awarded yet unpaid fees in the amount of
4 \$31,174.14 and requests approval of the \$42,356.10 previously held back by the Court. Overall,
5 the final fee application requests new fees and costs in the amount of \$458,767.81 and seeks final
6 approval of \$143,054.99 in fees and costs previously sought.

7 C. On or about January 25, 2022, the UST filed its opposition to the Final Fee
8 Application objecting to approximately \$46,690 in new fees sought by SLG on various grounds,
9 alleging that the application contained vague and lumped time entries and time entries
10 evidencing the performance of administrative/clerical and duplicative tasks.

11 D. SLG contacted the UST and indicated that in order to resolve the UST's objection
12 and a separate objection filed by creditor, Barbara Linett (Docket Number 327), and to avoid the
13 costs, risks, and delays of litigation, SLG was willing to voluntarily reduce its new fees in the
14 aggregate amount of \$50,000.

15 NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

16 **AGREEMENT**

17 1. Subject to Court approval of this Stipulation, SLG agrees to reduce its Final Fee
18 Application by \$50,000 in new attorneys' fees.

19 2. Subject to Court approval, SLG shall be entitled to an award of no greater than
20 \$406,630 in new fees and \$2,137.81 in costs.

21 3. The UST shall withdraw its objection to SLG's Final Fee Application, contingent
22 upon the Court entering an order consistent herewith.

23 IN WITNESS WHEREOF, the Parties hereto have caused this agreement to be duly
24 executed by their respective authorized signatories.

25
26
27 [SIGNATURE PAGE FOLLOWS]
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1 Dated: February 1, 2022

SMAHA LAW GROUP, APC

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By: /s/ Gustavo E. Bravo
John L. Smaha, Esq.
Gustavo E. Bravo, Esq.
Former Attorneys for Debtor and
Debtor-in-Possession

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Dated: February 1, 2022

TIFFANY L. CARROLL
ACTING UNITED STATES TRUSTEE

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By: /s Corina R. Pandeli
Corina R. Pandeli, Esq.
Attorney for the
Acting United States Trustee

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John L. Smaha, Esq. Bar No. 95855
Gustavo E. Bravo, Esq. Bar No. 218752
SMAHA LAW GROUP APC
2398 San Diego Avenue
San Diego, California 92110
(619) 688-1557 Telephone
(619) 688-1558 Facsimile
Attorneys for Debtor, Dana Aaron Linett

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PROOF OF SERVICE

Case No. 19-05831-LA11

In re Dana Aaron Linett

I am employed in the City of San Diego, California. I am over the age of 18 and not a party to the within action. My business address is 2398 San Diego Avenue, San Diego CA 92110.

On February 1, 2022, I caused to be served the following document(s) described as:

1. STIPULATION REGARDING SMAHA LAW GROUP FINAL FEE APPLICATION

U.S. TRUSTEE
Department of Justice
880 Front Street, Ste. 3230
San Diego, CA 92101

☒ (BY MAIL) I served the individual named by placing the documents in a sealed envelope. I then placed it for collection and mailing with the United States Postal Service this same day, at my address shown above, following ordinary business practice.

☒ (To Be Served by the Court via Notice of Electronic Filing ("NEF")). Under controlling Local Bankruptcy Rules(s) ("LBR"), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On **February 1, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:

Everett G. Barry:	ebarry@mulvaneybarry.com
Gustavo E. Bravo:	gbravo@smaha.com
Michael D. Breslauer:	mbreslauer@swsslaw.com, wyones@swsslaw.com
Theron S Covey:	TheronCovey@gmail.com, sferry@raslg.com
Sean C Ferry:	sferry@raslg.com, bkyecf@rasflaw.com;sferry@ecf.courtdrive.com
Thomas B. Gorrell:	tom@gorillalaw.com, r53431@notify.bestcase.com
Michael Koch:	MLKoch@live.com, lblaw7@gmail.com;r40511@notify.bestcase.com
Byron B. Mauss:	bmauss@swlaw.com, idelgado@swlaw.com
David Ortiz:	david.a.ortiz@usdoj.gov, USTP.REGION15@USDOJ.GOV;tiffany.l.carroll@usdoj.gov;abram. s.feuerstein@usdoj.gov

1 **John Smaha:** jsmaha@smaha.com,
2 gbravo@smaha.com;mdawson@smaha.com;jteague@smaha.com

3 **Kelly Ann Mai Khanh Tran** kelly@smalllawcorp.com, katelin@smalllawcorp.com

4 **United States Trustee:** ustp.region15@usdoj.gov

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed on **February 1, 2022**, San Diego, California.

7 /s/ Amelda M. Dawson
8 Amelda M. Dawswon

